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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,927	06/10/2005	Peter Geiger	GEIGER 8 PCT	8170
25889	7590	09/15/2008		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER SMITH, MATTHEW J	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 09/15/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/508,927

Applicant(s)

GEIGER, PETER

Examiner

Matthew J. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date 23Sep04, 21May07

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 1', Figures 2, 5, 6, 11.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Zagray (2655032).

Zagray discloses a block set with a number of substantially prismatic concrete blocks disclosing that the blocks symmetrically and centrally present a projection 12 on the upper surface and a depression 15 on the underside, the projections and depressions being formed with approximately similar shape and dimensions and the stacked concrete blocks capable of being fixed together and adjusted in relation to each other by the interlocking of projections and depressions (Fig. 6); a projection made of a cross-sectionally pyramidal stump-shaped molded appendage that extends longitudinally along the concrete block, having oblique faces 11 the free ends of which lean towards each other; a depression made of a cross-sectionally pyramidal stump-shaped groove that extends longitudinally along the concrete block, having oblique faces which lean towards the inside of the block and towards each other; and one of the depressions pointing towards the inside of the connecting ends of the concrete block connects with the longitudinal curved recess provided on the block and the blocks present a depression on the under side and a subsequent curved recess and a smooth upper surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zagray.

Zagray discloses the invention substantially as claimed but not the inner depths of the curved recesses formed with span proportions of some 1:1.8, 1:2.1 and 1:3.4 independent of the height of the blocks in relation to the recesses or the concrete blocks are formed with length of, for example, 40, 35, 30, 25, 20 and 14 cm, in particular, and heights of, 40, 30, 20 and 12.8 cm, in particular.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to fabricate the block in the dimensions claimed since no new or unobvious utility would occur when using these dimensions.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zagray in view of Fontana (4023767).

Zagray discloses the block substantially as claimed.

This reference does not disclose a molding tool substantially cup-shaped, such that the height and width of the concrete block and its projections and depressions are determined by the cross-section of the molding tool and such that the length of the blocks is determined by the depth of same, the molding tool designed to simultaneously

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and combinedly mould rows of blocks and packets of blocks or similar from a predetermined number of concrete blocks, the design of the molding tool is chosen so as to form the packet of blocks from a number of blocks set out adjacently in rows, the rows of blocks and packets of blocks or similar present separation grooves every individual block width along the side faces and the top surface of same and that the blocks can be separated from each other by means of a force being affected in the separation groove, several packets of concrete blocks are simultaneously and combinedly produced in one molding tool, or the rows of blocks and packets of blocks or similar present separation grooves every individual block width along the side faces and the top surface of same and in that the blocks can be separated from each other by means of a force being affected in the separation groove.

Fontana presents a molding tool substantially cup-shaped, such that the height and width of the concrete block and its projections and depressions are determined by the cross-section of the molding tool such that the length of the blocks is determined by the depth of same; the molding tool designed to simultaneously and combinedly mould rows of blocks and packets of blocks from a predetermined number of concrete blocks; the design of the molding tool chosen so as to form the packet of blocks from a number of blocks set out adjacently in rows; the rows of blocks and packets of blocks present separation grooves every individual block width along the side faces and the top surface of same and in that the blocks can be separated from each other by means of a force being affected in the separation groove (col. 2, lines 15-16).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to mold the Zagray block in the manner presented by Fontana since it is well known.

It would have been further obvious to have several packets of concrete blocks simultaneously and combinedly produced in one molding tool since no new or unobvious utility would occur.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cambuzzi (5729943) shows a projection and complementary recess.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is (571) 272-7034. The examiner can normally be reached on T-Th, 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

MJS /M. J. S./
Examiner, Art Unit 3635
24 July 2008